

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUN 11 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
BLAZE-ON CONSTRUCTION, INC.,)
LIMITED MINING OPERATION,)
NUMBERS 1224ET and 1225ET.)

Docket No.

ORDER OF BOND FORFEITURE

THIS MATTER having come before the Wyoming Environmental Quality Council ("Council") on a motion from the Department of Environmental Quality ("DEQ") for bond forfeitures against Blaze-On Construction, Inc. ("Blaze-On"), and the Council having reviewed the motion and having been otherwise fully informed in the premises MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Blaze-On posted a two thousand dollar (\$2000.00) reclamation performance bond and a five thousand dollar (\$5,000.00) reclamation bond, both in the form of cash to conduct limited mining operations located in Section 2, T.20N, R.116W (Kemmerer Airport Pit), and Section 29, T.20N, R.116W (Blazeon Gap Pit), Lincoln County, Wyoming.
2. The DEQ issued Notice of Violation No. 4304-08 to Blaze-On on July 8, 2008 because the mining site had been inactive since at least July 12, 2007 at the Kemmerer Pit and July 31, 2007 at the Blazeon Pit, and Blaze-On failed to commence reclamation of the areas disturbed during its mining operations at both sites. In addition, Blaze-On was

administratively dissolved by the Wyoming Secretary of State's Office on June 5, 2007.

3. On April 3, 2009, the Office of the Attorney General mailed notice to Blaze-On by certified mail that the Council would enter an order forfeiting its bonds unless a demand for a hearing before the Council was made within thirty days.

4. Blaze-On received the notice on April 6, 2009.

5. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Blaze-On.

6. WYO. STAT. ANN. § 35-11-421(b) states that if no demand is made by the operator within thirty days of his receipt of the notice, then the Council shall order the bond forfeited.

7. The record in this matter establishes that Blaze-On knew of its rights regarding bond forfeiture. As such, bond forfeiture is appropriate in this case pursuant to WYO. STAT. ANN. § 35-11-421, for Blaze-On's cash bonds held by the DEQ for permits 1224ET (\$3,000.00) and 1225ET (\$5,000.00).

**The Council, being otherwise fully advised on the premises, HEREBY
ORDERS:**

1. The aforementioned reclamation performance bonds be forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the Department for the reclamation of all lands affected by the aforementioned operation.

2. Any proceeds remaining after reclamation shall be subject to any claim by the people of the State of Wyoming.

3. Any funds remaining after reclamation and payment of other claims shall be returned to Michael D. Kohout, of Blaze-On Construction, Inc., if he can be found.

DATED this 4 day of June, 2009.

WYOMING ENVIRONMENTAL
QUALITY COUNCIL

A handwritten signature in dark ink, appearing to read "D. Kohout", is written over a horizontal line.

Chairman

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 11th day of June, 2009, I served a copy of the foregoing ORDER FOR BOND FORFEITURE by electronic mail to the following:


John Corra
Director, DEQ
jcorra@wyo.gov

John Burbridge
Asst. Attorney General
Jburbl@state.wy.us

Don McKenzie, LQ Administrator
Department of Environmental Quality
dmcken@wyo.gov

also by depositing the same in the United States mail and addressed to:

Mr. Michael D. Kohout
Blaze-On Construction, Inc.
421 Emerald
Kemmerer, WY 83101


Kim Waring, Executive Assistant
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